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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/506,683

03/09/2006

Eiji Hattori

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23850 7590 06/19/2009  
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EXAMINER

SOOHOO, TONY GLEN

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

06/19/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/506,683	<b>Applicant(s)</b> HATTORI ET AL.	
	<b>Examiner</b> Tony G. Soohoo	<b>Art Unit</b> 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 5-12 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 3. See MPEP § 608.01(n). Accordingly, the claims 5-12 have not been further treated on the merits. (It is noted that claim 5 should be carefully reviewed as to what further structure is being claimed, in that there does not appear to be any further distinction to the container apparatus "being a container" for operating with an intended use.)

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vail 1216022 in view of Xardell 1564658

The Vail reference discloses

A container 134 wherein a ring-shaped rim frame 148, 109 (figs 1, 3) is provided on an opening at the upper end of a tubular main body 134,  
a bottom plate 149, 150 is fitted onto an opening at the lower end thereof,  
a ring-shaped trunk section frame 143,144 is provided on the outer circumferential surface of said tubular main body 134,

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a plurality of first engaging projections 174, 172, (see figs 2-4) are formed integrally with said ring-shaped rim frame 148, 149 in a projecting member at prescribed intervals,

the bottom 149 has with a downwardly extending engaging wall (see fig 3, the wall 151, 152 of the brace 150) is formed integrally with the outer circumferential edge of said bottom plate 149)

The Vail reference discloses all of the recited subject matter as claimed, however does not show 1) the bottom plate having a plurality of second engaging projections which are formed at prescribed positions integrally with bottom plate, and 2) having the device made of plastic.

The reference to Xardell teaches that a container bottom may be further strengthened by a double bottom plate configuration which a peripheral edge wall lip 17, 13 formed with the bottom plate 15, 16 whereby the device is also attached with bolts 19 which can be used to secure the container upon a base.

In light of the knowledge gleaned by the prior art, it would have been obvious to a person having ordinary skill in the art to modify the bottom of Vail with a double bottom peripheral edge lipped bottom with a bolts so as to provide a strong bottom and permit a securement of the bottom to a base.

Regarding issues to the material of the ring-shaped rim frame and bottom plate being plastic (instant claim 1), and tubular main body being made of a plastic laminate film (instant claim 2), the use of plastic material and plastic laminate film is known for advantages in its chemical resistance, lower material costs (than metals), and provides

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a lighter weight. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the device from a plastic material or a plastic laminate film so that the device may be cost effective in production, and provide a chemical resistance during usage, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

#### ***Allowable Subject Matter***

4. Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Machine translation of JP 3289192 made 5/29/2009, 13 pages; JP 2005-47628; JP 2005-250102; WO 02/24539, JP 2001240035, Courtright 2078530, and McFeathers et al 3169286.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony G. Soohoo whose telephone number is (571) 272 1147. The examiner can normally be reached on 8AM-5PM, Tues-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tony G Soohoo/  
Primary Examiner, Art Unit 1797

Tony G Soohoo  
Primary Examiner  
Art Unit 1797

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